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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. Mag. 05-053 PAN
Plaintiff,)
v.)
SEREY VAN,)
Defendant.)

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STIPULATION REGARDING
EXCLUSION OF TIME UNDER
SPEEDY TRIAL ACT; [PROPOSED]
ORDER

Plaintiff United States of America, by and through its
counsel of record, Assistant United States Attorneys S. Robert
Tice-Raskin and Courtney J. Linn, and defendant, by and through
her counsel of record, Thanh Truong Foxx, hereby stipulate as
follows:

1. The Complaint in this case was filed on or about
February 22, 2005.

2. Defendant was arrested on February 23, 2005. Defendant
first appeared before Magistrate Judge Peter Nowinski, a judicial
officer in the court in which this charge is pending, on February
24, 2005.

1 3. Defendant has been advised of her rights as required by
2 Rule 5, Fed. R. Crim. P., including her right to have a
3 preliminary hearing.

4 4. By previous stipulation and order, defendant waived her
5 right to a preliminary hearing.

6 5. The Speedy Trial Act of 1974, 18 U.S.C. § 3161 et seq.,
7 requires that an indictment or information be filed against
8 defendant on or before 30 days of her arrest, i.e., on or before
9 March 26, 2005. By previous stipulation and order, defendant
10 moved to extend the deadline for filing of charges to August 1,
11 2005.

12 6. By this stipulation, defendant moves to extend the
13 deadline for filing of charges to August 25, 2005. Plaintiff
14 does not oppose this request.

15 7. The parties agree and stipulate, and request that the
16 Court find the following:

17 a) The government has made a package plea offer to
18 defendant and her spouse, Thomas Van. Counsel for defendant
19 desires additional time to consult with his client, to review the
20 current charges, to conduct investigation related to the charges,
21 to review discovery, and to review and discuss the potential pre-
22 indictment disposition of the charges with the government.

23 (Bruce Locke has been appointed to represent Thomas Van, but has
24 advised the government he has not yet been able to confer with
25 him).

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b) Counsel for defendant believes that failure to grant the above-requested extension would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

c) The government does not object to the continuance.

d) Counsel for defendant has specifically discussed all of the contents of this stipulation with his client and represents that his client concurs with the contents of this stipulation.

10 e) Based on the above-stated findings, the ends of
11 justice served by continuing the case as requested outweigh the
12 interest of the public and the defendant in charging within the
13 original dates prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy
15 Trial Act, 18 U.S.C. § 3161, et seq., within which an information
16 or indictment must be filed, the time period from August 1, 2005
17 to August 25, 2005, inclusive, is deemed excludable pursuant to
18 18 U.S.C. § 3161(h)(8)(A) and B(iv) because it results from a
19 continuance granted by the judge at defendant's request on the
20 basis of the judge's finding that the ends of justice served by

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1 taking such action outweighs the best interests of the public and
2 the defendant in speedy formal charging.

3 IT IS SO STIPULATED.

4 DATED: 7/25/05
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6 /s/ Courtney J. Linn
7 S. ROBERT TICE-RASKIN
COURTNEY J. LINN
8 Assistant United States Attorneys

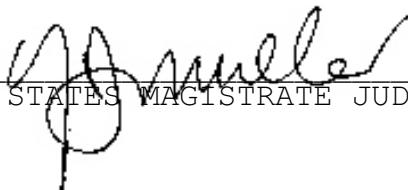
9 DATED: 7/25/05

10 /s/ Thanh Truong Foxx
11 THANH TRUONG FOXX
Counsel for Defendant SEREY VAN
12

13 O R D E R

14 IT IS SO FOUND AND ORDERED.

15 July 27, 2005.

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18 UNITED STATES MAGISTRATE JUDGE
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